

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Reilly HMP Allotment #00925**  
**Grazing Transfer**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0090-EA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM



**PROPOSED ACTION:** The proposed action is to transfer and issue a grazing permit for the Reilly HMP Allotment to the Franko Ranch for a ten year term. The term of the permit would be March 1, 2013 through February 28, 2023. The last pasture grazed in the rest-rotation would be authorized for an extended season of use until December 20<sup>th</sup> provided AUMs are not exceeded. A combination of yearlings or cow/calf pairs could utilize the four pasture rest rotation Table 2; terms and conditions are as follows.

Table 1. Mandatory Terms and Conditions for Authorization #2504013

Allotment Name and Number	Livestock Number	Kind	Grazing Begins	Grazing Ends	% Public Land	Type Use	AUMs
Reilly HMP Allotment #00925	271	C	04/14	12/20	86	Active	1,065

Total Active AUMs: 1,065

Table 2. HMP four pasture rest rotation grazing system for the Reilly Allotment.

Pasture	2013	2014	2015	2016
Crested	Spring	Spring	Spring	Spring
Northwest	Rest	May-June	July	August-December
Northeast	July	August-December	Rest	May-June
Southwest	August-December	Rest	May-June	July
Southeast	May-June	July	August-December	Rest

#### **Terms and Conditions:**

1. Grazing would be in accordance with the Reilly HMP dated 10/23/92 and the Field Manager's Final Decision.
2. Actual Use Reports would be due no later than 15 days after the grazing season has ended; or the permittee would be billed for the total preference and the AUR would still be due.
3. The crested wheatgrass pasture has the carrying capacity of 89 AUMs, which would support the authorized number of livestock for 10 days; however, the actual number of days the pasture could be grazed could be modified if approved by the authorized officer. This term and condition would be in effect until the HMP is revised or it is determined the allotment is not meeting the Standards for Rangeland Health.
4. Cattle would be allowed to graze the last pasture of the grazing rotation until December 20; provided AUMs are not exceeded in the pasture.
5. Cow/calf pairs or yearlings could be grazed provided permitted AUMs are not exceeded.



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

[www.blm.gov/mt](http://www.blm.gov/mt)

In Reply Refer To:

4100 (4160)

GR# 2504013

April 19, 2013

Franko Ranch  
P.O. Box 899  
Terry, MT 59349

Certified Mail No: 70113500000345171824

Return Receipt Requested

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The Reilly HMP Allotment is located approximately 20 miles northwest of Terry, Montana in Prairie County. The Reilly HMP Allotment consists of 640 acres of Bureau of Land Management (BLM) administered lands, 3,222 acres of Bank-Head Jones Land Use (L.U.) lands that are administered by BLM, and 640 acres of private lands. The Reilly HMP Allotment has 1,065 animal unit months (AUMs) of permitted active use.

In January 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (EA) DOI-BLM-MT-C020-2013-0090-EA to analyze the issuance of the BLM grazing permit. A Finding of No Significant Impact (FONSI) was signed by the Authorized Officer on March 28, 2013.

### PROPOSED DECISION

It is my proposed decision to issue a grazing permit to the Franko Ranch, which authorizes 1,065 AUMs of active preference on the Reilly HMP Allotment (00925). The grazing permit will be for a ten year term (03/01/2013-02/28/2023) and issued as follows:

#### Mandatory Terms and Conditions for Authorization #2504013

Allotment Name and Number	Livestock Number	Kind	Grazing Begins	Grazing Ends	% Public Land	Type Use	AUMs
Reilly HMP Allotment (00925)	150	C	04/14	12/20	86	Active	1,065

Total Active AUMs: 1,065

#### HMP four pasture rest rotation grazing system for the Reilly Allotment.

Pasture	2013	2014	2015	2016
Crested	Spring	Spring	Spring	Spring
Northwest	Rest	May-June	July	August-December
Northeast	July	August-December	Rest	May-June
Southwest	August-December	Rest	May-June	July
Southeast	May-June	July	August-December	Rest

**Terms and Conditions:**

1. Grazing will be in accordance with the Reilly HMP dated 10/23/92 as amended by the grazing decision dated April, 2013.
2. Actual Use Reports (AUR) are due no later than 15 days after the grazing season has ended; or the permittee will be billed for the total preference and the AURs will still be due.
3. The Crested Wheatgrass Pasture has the carrying capacity of 89 AUMs, which will support the authorized number of livestock for 10 days; however, the actual number of days the pasture could be grazed could be modified if approved by the authorized officer.
4. Cattle will be allowed to graze the last pasture of the grazing rotation until December 20; provided AUMs are not exceeded in the pasture.
5. Cow/calf pairs or yearlings could be grazed provided permitted AUMs are not exceeded.
6. A maximum of 271 cattle are allowed to graze on the Reilly allotment as long as permittee does not exceed the AUMs.

**RATIONALE**

Existing information indicates the Reilly HMP Allotment is meeting and will continue to meet the Standards for Rangeland Health (43 CFR 4180); the grazing permit will be renewed under the direction of 43 CFR.

The BLM has determined that the Franko Ranch has a satisfactory record of performance. The issuance of the grazing permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

The issuance of a BLM grazing permit was analyzed in DOI-BLM-MT-C020-2013-0090-EA and a FONSI was signed by the authorized officer on March 28, 2013.

**AUTHORITY**

The following sections of the Code of Federal Regulations, chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information Resources Management/policy/im\\_attachments/2007.Par.69047.File.dat/IM2007-137\\_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information%20Resources%20Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf)

**§4110.1 Mandatory qualifications**

**§4110.2-1 Base property.**

**§4110.2-2 Specifying permitted use.**

**§4120.2 Allotment management plans and resource activity plans.**

**§4120.3–2 Cooperative range improvement agreements.**

**§4130.2 Grazing permits or leases**

**§4130.3 Terms and conditions**

**§4130.3-1 Mandatory terms and conditions**

**§4130.3-2 Other terms and conditions**

**§4130.3-3 Modification of permits and leases**

**§4160.1 Proposed decisions**

**§4160.2 Protests**

### **§4160.3 Final decisions**

### **§4160.4 Appeals**

#### **RIGHT OF PROTEST AND APPEAL**

##### **Protest:**

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager  
Bureau of Land Management, Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

##### **Appeal:**

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9and 43 CFR 4.471), pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

#### **ENCLOSURES FOR REPLY**

Enclosed are two copies of your grazing permit. Please sign both copies and promptly return them to the Miles City Field Office. Once the Authorized Officer has officially signed the grazing permits, the operator copy will be returned to you for your records.

Also enclosed is copy of your BLM allotment map. Please review the enclosed map and notify us of any inaccuracies. Please mark the fenceline locations and return the edited map to our office.

If you have any questions on this document or would like to discuss your allotment map, please contact Christina Handy, Rangeland Management Specialist at 406-233-2855.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd D. Yeager", with a horizontal line extending to the left.

Todd D. Yeager  
Field Manager, Miles City Field Office

Enclosure(s):  
Grazing Permit - 2 copies  
Reilly HMP Allotment Map

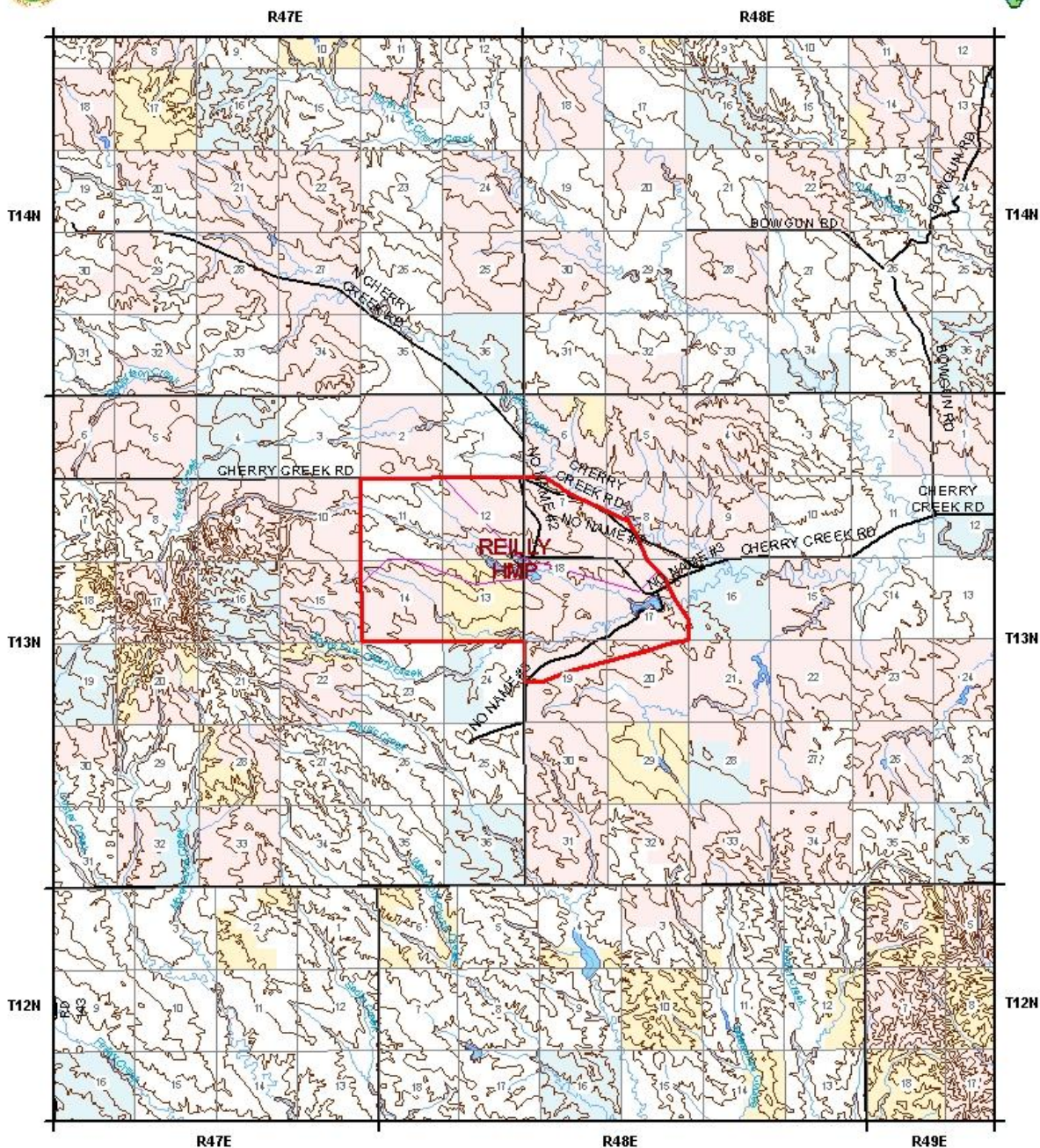
**CC:**  
Prairie County CSGD, P.O. Box 622 Terry, MT 59349

Handy:lrn:4/16/13:PD\_Franko\_Transfer\_Letter\_Handy\_2013





# Reilly HMP Allotment 00925



- Grazing Allotment Polygons
- BLM - Land Utilization
- BLM - Public Domain
- Private
- Division of State Lands

02/21/2013

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.



1:100,000

0 1 2 4 Miles

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE

**CAUTION:**  
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.